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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

IN RE:

JAMES RELAND WHITEHEAD
XXX-XX-8892

Debtor

CASE NO. 24-10441

DC NO.: LGT-2

CHAPTER 13 TRUSTEE'S MOTION TO
DISMISS PURSUANT TO 11 U.S.C.
§1307

DATE: August 22, 2024

TIME: 9:30 am

PLACE: U.S. Courthouse

5th Floor, Dept A, Courtroom 11

2500 Tulare Street

Fresno, CA 93721

JUDGE: Hon. Jennifer E. Niemann

TO THE DEBTOR AND DEBTOR'S ATTORNEY:

YOU AND EACH OF YOU are hereby notified that as of July 12, 2024, Debtor is delinquent in the amount of \$20,270.84 and that Lilian G. Tsang, Chapter 13 Standing Trustee, will move to dismiss the case at the above time and place if Debtor does not pay the above stated amount in addition to the plan payment due on July 25, 2024:

1. Pursuant to 11 USC §1307(c)(1) and (c)(4), cause exists to dismiss this case as Debtor has failed to make all payments due under the plan.

2. As of July 12, 2024, Debtor has failed to make all payments due under the plan. Payments are delinquent in the amount of \$20,270.84.

3. While this motion is pending, further payments will come due. In addition to the above amount, Debtor must also continue to make the monthly plan payment of \$6,767.71 for

1 July 25, 2024.

2 4. The Trustee believes dismissal rather than conversion is in the best interest of the
3 creditors and the estate, as dismissal will allow creditors to pursue their claims outside of
4 bankruptcy.

5 **WHEREFORE**, the Trustee requests that the court dismiss this case.

6 DATED: 7/12/2024

Respectfully submitted,

7 /s/ Lilian G. Tsang

8 Lilian G. Tsang,

9 Chapter 13 Trustee

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